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Dear Ms King

Response to the consultations on:

- 1) 'A Strategy for Marine Nature Conservation in Scotland' and**
- 2) 'Guidelines on the selection of MPAs and development of the MPA network'.**

As a representative organisation that works on behalf of the seafood industry in Scotland, Seafood Scotland strongly supports and endorses the detailed response made by the Sea Fish Industry Authority (Seafish) on these consultations. In addition, we lend our support to the concerns expressed by the Scottish Fishermen's Federation (SFF) in their responses.

For various diverse reasons all sectors of the seafood industry perceive themselves to be under great pressure and threat. This is particularly acute in the capture (fishing) sector and the MPA developments, understandably, cause them great concern and disquiet. To the average fisher, any potential loss of a fishing opportunity is seen as a real threat to their livelihood and continued viability. However, Scotland has a legal, as well as moral, obligation to press forward with the process of protecting marine environments and restoring our seas to 'good ecological status'. Throughout this process, it is vital that the Scottish Government, through its agencies, Marine Scotland (MS), and principal conservation advisor, Scottish Natural Heritage (SNH), engages fully, openly and in good faith with all the industries that use the seas to generate their income and thereby contribute to the GDP of the nation. Both documents indicate this desire, but every effort has to be made to ensure that it takes place at all levels, most particularly on the ground where it really matters – at the quayside in the ports and harbours around our coasts.

This openness and desire for moving forward in collaborative partnerships and by consensus should also extend to the non-governmental environmental pressure groups, such as RSPB, Marine Conservation Society, Scottish Wildlife Trust and other local nature organisations. It is anticipated that they

are likely to press for as many areas as possible to be designated – that, after all, is their job and remit. Whilst these representations will warrant consideration and investigation, they must be subject to the same level of objective scientific scrutiny as the SNH proposals. They should demonstrate unequivocally what additionality they will bring to the MPA network and how they will further the Scottish Government's conservation objectives.

In developing an ecologically coherent and cohesive MPA network for Scotland, we should be mindful of the designations made in England, Wales and Northern Ireland. They may have better (superior), more natural examples of the same feature or species we are considering for designation. When considered on the wider UK basis, and notwithstanding our desires as a nation, there may be no need for us to replicate these sites and our resources may be better employed in concentrating on those features and species that are unique or most important in our waters.

Within Scotland, there is concern within the fishing industry that the majority of the likely MPAs will be off the west coast. This may disproportionately affect one of our most rural locations where communities are small, vulnerable to depopulation and alternative economic opportunities are very restricted. Much of the west coast fleet comprises small inshore vessels that fish traditional grounds within reach of their home ports. Should these areas be designated as MPAs, the fleet is unlikely to have the capability to relocate to other areas and crew safety may be compromised if this is attempted. A balance will have to be struck, but it may be far from straight forward to do so.

When moving forward with any designation, there has to be, as acknowledged within the Strategy, full engagement with the affected coastal communities, and those in the wider area, so that the highly important, but often neglected, likely social and economic impacts on our frequently fragile coastal communities and economies in rural areas can be identified fully and given the weighting they deserve.

When considering each document, rather than reiterate many of the detailed points made by either Seafish or SFF, we will add additional comment or raise additional points where we consider it appropriate.

1) 'A Strategy for Marine Nature Conservation in Scotland'

We share the concerns expressed about the proposed timings within the Strategy. To get everything in place in less than 18 months is highly ambitious and a more measured, less rushed approach is likely to benefit the entire process.

In general, we favour, whenever possible and as far as is practicable, designating existing marine sites with a conservation designation as MPAs rather than looking for new sites to cover each and every species or feature. If such sites cannot be considered for MPA status it may bring in to question their existing designation in some instances. In addition, other marine sites where access is restricted or prohibited for other reasons should be considered as

potential MPAs alongside their other use. We would also prefer MPA sites to be designated for multiple species and/or features rather than having a patchwork of sites that protect only a single feature or species unless this is unavoidable for sound ecological reasons. The flexibility and willingness to add or, more importantly, remove sites (and species or features) from the MPA network is vital to reflect changing conservation priorities or the effects of climate change on our marine environments in the future.

We reiterate that the reasons for designating a site must be very clear and that the conservation objectives and outcomes for the site must be stated clearly and concisely in a manner that can be evaluated rigourously in future reviews. We trust that where it is apparent that the conservation objectives have not or cannot be achieved realistically, for whatever reasons, or on a 'value for resources expended' basis, that the MPA designation will be rescinded and that we will not be left with a legacy of sites that have questionable conservation value but that are closed for fishing and other uses.

The stated aim of involving the fishing industry in selecting sites for potential designation is very welcome. They have a vast store of knowledge about the marine environment and the seabed. Their participation in delineating site boundaries, future site management decisions and monitoring would be very positive and should assist the minimisation of conflict and misunderstanding. In the past, inappropriate or over zealous use of 'the precautionary principle' and the perceived desire to exclude the industry from conservation decisions has done much to harm the relationship between the fishing industry and the conservation agencies. Basing MPA designation and management, as far as possible, on sound scientific knowledge and principles together with the actual experience of those who use the area on a daily basis should promote better understanding and logical management. However it is vital to make every effort to ensure that all these processes are open and transparent at all times.

2) 'Guidelines on the selection of MPAs and development of the MPA network'

In general we welcome the Guidelines. If they are implemented and used in the manner described and in the spirit of full co-operation and consultation with industry intended, then they will be a step forward in progressing MPAs in Scotland. However, in addition to the concerns expressed by Seafish and SFF, we have some disquiet that they are only 'guidelines' and as such there will be no mandated requirement to adhere to them. There is always a danger they will be sidelined when they appear to be inconvenient or it is considered expedient to do so. There must be a lock-in to ensure this cannot happen.

As 'guidelines', they will be open to interpretation and unless there are clear and unambiguous protocols for use there is a risk that they will be implemented in different ways in different regions. They have to be used and applied in the same manner on a national basis to have credibility. As the document stands, there is enough latitude for local variations to occur, so the wording and the guidance should be tightened to provide greater clarity of intent.

The provision to allow for demonstration or research MPAs, whilst understandable, does give cause for concern. It might be questioned as to why they are required and how they would or could contribute to the aims and objectives set out for MPAs. It may be that some other form of designation might be more appropriate in these circumstances as these designations might, by their nature, be less than long-term. Should such sites go on to show a tangible marine conservation benefit that adds to the existing MPA network, they could then be upgraded to full MPAs at that stage. However, setting that to one side, if there are to be MPAs with these designations the purpose for seeking the designation must be very clear from the outset. The aims and objectives of the project must be very explicit and adhere to the SMART (or similar) system ie be Specific, Measurable, Achievable, Realistic, and Time-limited. There should be no room for woolly aims or objectives that say a lot but mean a little. It should also be clear in the application why the aims and objectives cannot be met using existing MPAs designated for other reasons. In addition, for any research MPA, the science behind the application should be rigorously assessed by independent academic reviewers. If there are any expenses related to that process then the applicant should bear them unless there is a clear and demonstrable strategic public benefit for doing otherwise.

In a similar vein, it is laudable to include a mechanism whereby the non-governmental environmental pressure groups and other local organisations can propose areas to be designated as MPAs. Indeed there would be nothing to stop the fishing industry using this provision if they felt it were justified. However, there is a real concern that these pressure groups will press for as many areas as possible to be designated, that is why they exist and what their staff are paid to do. Potentially, this could tie up scarce resources, promote local conflict, add a considerable burden to the public purse and bring the MPA process in to disrepute. Whilst such representations for designation will warrant due consideration and investigation, they must be subject to the same level of objective scientific scrutiny and rigour as the mainstream areas proposed by SNH. In these times of limited financial resources, it should be for the applicant(s) to raise the monies required to gather all the necessary data to back-up the application. Any third-party application is likely to be primarily considered on the science and its conservation merits, but it should demonstrate unequivocally what it will contribute to the MPA network and also justify fully why it is 'better' than or 'superior' to similar sites identified by SNH. Indeed, if one of these sites were to be designated due consideration should be given to removing the designation of the site it replaces. They should not be considered as 'additions' to the network unless they are truly unique and irreplaceable. However, any designation is likely to have far-reaching financial and social impacts on coastal communities, many of which are in economically fragile rural locations. These too must be quantified, considered and given due weighting in the decision process.

Within the Guidelines it remains unclear what will happen regarding potential MPA species that are of commercial importance and which are regulated or controlled by fishery management measures at local (Inshore Fishery Group, IFG), Scottish, UK or EU level. It has to be clearly identified which regulations and controls will take precedence where. More refined fishery management

may be the best way forward for those species. In addition, a species that is rare or episodic within Scottish waters, eg those at the northern or southern limits of their recorded range, may be very common in other UK or European seas and not warrant any level of conservation protection when considered at a wider level. Their presence and abundance within our waters may be entirely outwith our control and attempts to conserve them may be futile. Conversely, if we are highly successful in encouraging the success of a species and it comes to dominate the habitat or species assemblage to the detriment of other species also of conservation value, or it damages a feature of MPA value, that may be undesirable in the long-term. Equally were the species to extend its range to European countries where it is not native, might that species be considered, at some point, an 'invasive non-native species' and subjected to biological control. There is no clearly identified mechanism to deal with this potential scenario.

Finally, we would like to see greater clarity regarding how the offshore MPA locations (designated under the UK Act) and the inshore locations which will be designated under the Scottish Act are likely interact and contribute jointly to the overall cohesive MPA network. Again, when examined closely there may be no need to replicate between or across the boundaries.

Concluding remarks

Seafood Scotland recognises the requirement to identify and implement MPAs as part of our European marine conservation obligations. We urge most strongly the Scottish Government, through MS and SNH, to engage fully, openly, productively and in good faith with the fishing industry at each and every stage of the entire process. This collaborative engagement and dialogue must continue in to the management and monitoring phases, with all parties prepared to undertake full and frank discussions with the overall objectives firmly in mind. Ideally, all decisions will be based on sound, well-researched science and evidence from all sources.

We welcome the opportunity to continue our engagement in the MPA process in the future.

Yours sincerely

Craig Burton

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Seafood Scotland